employee the complaint alleged that the plaintiff had been injured by dynamite caps owned by the corporation and negligently exposed by the employee who was storekeeper. The non-resident defendant obtained a removal to the federal court on the ground of fraudulent joinder. The plaintiff moved to remand, supporting his motion with affidavits of his good faith but without a statement of the grounds for his belief. *Held*, that the motion be denied. *Zigich* v. *Tuolumne Copper Mining Co.*, 260 Fed. 1014 (Dist. Ct. Mont.).

The plaintiff alleged that while in the employ of the non-resident defendant corporation he was ordered by the foreman, the resident defendant, to go up a telegraph pole, where he was injured by contact with a high-power wire because of the failure of the corporation to provide him a safe place to work and the failure of the foreman to warn him. Because of diverse citizenship the corporation sought a removal on the grounds that the controversies were separable, and that the joinder was fraudulent. *Held*, that the removal be denied. *Postal Telegraph-Cable Co.* v. *Puckett*, 101 S. E. 397 (Ga.).

For a discussion of these cases, see NOTES, p. 970, *supra.*

RESTRICTION AND RESTRICTIVE AGREEMENTS AS TO USE OF PROPERTY — RESTRICTIONS IN PRICE ON RESALE. — A corporation engaged in the manufacture of accessories for automobile tires under letters patent sold its product to jobbers under contracts establishing the resale price of these articles, and refused to sell to any jobber who would not enter into such agreements and adhere to the uniform resale prices fixed. Upon these facts, the corporation was indicted for engaging in a combination rendered criminal by Section 1 of the Sherman Anti-Trust Law. The District Court for the Northern District of Ohio sustained a demurrer to the indictment. A writ of error was brought under the Criminal Appeals Act (34 STAT. AT L. 1246). *Held*, that the judgment be reversed. *United States* v. *A. Schrader's Son, Inc.*, U. S. Sup. Ct., October term, 1919, No. 567.

For a discussion of this case, see NOTES, p. 966, *supra.*

RESTRAINT OF TRADE — SHERMAN ANTI-TRUST LAW — THE STEEL CORPORATION CASE. — The United States brought suit under the Sherman Anti-Trust Act against the United States Steel Corporation, asking for dissolution of that corporation and certain of its subsidiaries on the ground that they constituted a monopoly in restraint of trade. *Held*, that the bill be dismissed. *United States* v. *United States Steel Corporation*, U. S. Sup. Ct., October term, 1919, No. 6.

For a discussion of this case, see NOTES, page 964, *supra.*

RULE AGAINST PERPETUITIES — CHARITABLE GIFTS — REMOTENESS WHERE THERE IS NO PRECEDING GIFT. — Personalty was bequeathed "to the first . . . Orphans' Home . . . built in X," with the provision that "should one of the Homes not be founded there at the time of my decease," the executors should invest the funds "until such time as one of such institutions shall be founded." The executors brought a bill for the construction of the will, that the validity of the gift might be determined. *Held*, that the gift was void. *Re Schjaastad Estate*, 50 D. L. R. 445 (Sask.).

A gift over to a charity from an individual, on a contingency too remote under the rule against perpetuities, is void. *In re Johnson's Trusts*, L. R. 2 Eq. 716; *Smith* v. *Townsend*, 32 Pa. St. 434. But if the first taker is also a charity, the gift is held valid. *Christ's Hospital* v. *Grainger*, 16 Sim. 83; *MacKenzie* v. *Trustees*, 67 N. J. Eq. 652, 669, 61 Atl. 1027, 1034. See 8 HARV. L. REV. 211. This doctrine might be applied with equal logic where there is no preceding gift. Yet it is here well settled that the charity may not take if the contingency upon which it is to vest is too remote. *In re Stratheden*, [1894]

3 Ch. 265; *Kingham* v. *Kingham*, [1897] 1 I. R. 170; *Girad Trust Co.* v. *Russell*, 179 Fed. 446. If, however, an immediate gift to charity has been made, though its application is postponed indefinitely, courts adopting the *cy-près* doctrine sustain the gift. *Chamberlayne* v. *Brockett*, L. R. 8 Ch. App. 206; *Brigham* v. *Brigham Hospital*, 134 Fed. 513; *Jones* v. *Habersham*, 107 U. S. 174. And see GRAY, RULE AGAINST PERPETUITIES, 3 ed., § 615. Since the courts look favorably upon charitable gifts, they will search industriously for an intent to vest the gift immediately. *Re Gyde*, 79 L. T. R. 261; *Brigham* v. *Brigham Hospital*, *supra*. Conceivably, where, as in the principal case, the condition is the establishment of the charitable institution, the funds accumulating meanwhile for its sole benefit, an immediate gift for charitable purposes might be made out. *Cf. Jones* v. *Habersham*, 107 U. S. 174, 191. But the court's conclusion that the designation of a specific institution as legatee precludes such a construction seems sound. The gift failing, the next of kin were rightly held entitled. *In re White's Trusts*, 33 Ch. Div. 449; *Fowler* v. *Attorney General*, [1909] 2 Ch. 1; *Brooks* v. *Belfast*, 90 Me. 318.

STATUTES — INTERPRETATION — SOLDIERS' AND SAILORS' CIVIL RELIEF ACT. — In an action for injuries alleged to have been caused by the negligence of defendant's motorman, the defendant moved for a continuance because the motorman, its sole witness, was in military service in France. The motion was refused on the ground that judgment for the plaintiff would not prejudice the rights of the motorman protected by the Soldiers' and Sailors' Civil Relief Act. *Held*, that the motion be granted. *Ilderton* v. *Charleston Consolidated Railway and Lighting Co.*, 101 S. E. 282 (S. C.).

A judgment for the plaintiff was reversed and remanded. A Texas statute provided that if this occurred a mandate must be taken out within one year to save the cause. (1913 MCEACHIN'S TEX. CIV. STAT. ANN., Art. 1559.) The plaintiff was in the military service during that period and now moves that issuance of the mandate be ordered. The defendant demurs on the ground that the state statute is mandatory and that the Civil Relief Act is inapplicable. *Held*, that the motion be granted. *Kuehn* v. *Neugebauer*, 216 S. W. 259 (Tex.).

The federal Soldiers' and Sailors' Civil Relief Act was enacted to suspend temporarily all legal proceedings which might prejudice the civil rights of persons in military service during the war. See ACT OF CONGRESS, March 8, 1918, Art. 1, § 100. The right to stay proceedings was made discretionary with the court. *Konkel* v. *State*, 168 Wis. 335, 170 N. W. 715; *State* v. *Klene*, 212 S. W. (Mo.) 55. See ACT OF CONGRESS, March 8, 1918, ART. 2, § 201. Hence if the party in service could still protect his interests, the court need not interfere. *Dietz* v. *Treupel*, 170 N. Y. Supp. (App. Div.) 108. In some states similar statutes were passed which, however, provided that suspension of proceedings should be absolute and not discretionary. *Thress* v. *Zemple*, 174 N. W. (N. D.) 85. Such statutes were declared constitutional as not impairing the obligation of contracts. *Pierrard* v. *Hoch*, 184 Pac. (Ore.) 494. Similar legislation passed during the Civil War was held constitutional. *Breitenbach* v. *Bush*, 44 Pa. St. 313; *Bruns* v. *Crawford*, 34 Mo. 330. The federal act prohibited eviction of dependents of a soldier, foreclosure of mortgages on his property except under an order of court, and similar proceedings detrimental to his interests. *Gilluly* v. *Hawkins*, 182 Pac. (Wash.) 958; *Hoffman* v. *Charleston Five Cents Savings Bank*, 231 Mass. 324, 121 N. E. 15; *Vaughn* v. *Charpiot*, 213 S. W (Tex.) 950. But the benefit of the act was limited strictly to persons in the service. *Howie Mining Co.* v. *McGary*, 256 Fed. 38; *Harrell* v. *Shealey*, 100 S. E. (Ga.) 800. The principal cases seem rightly decided. The view of the South Carolina court that the judgment in this suit would be some evidence of negligence in a subsequent suit by the company against the motorman for reimbursement is sufficient ground for a continuance under the broad terms of